

Patterson fights inmate releases

By Mike Scanlon
staff writer

An Oakland County judge Wednesday issued a temporary restraining order postponing a mass sentence reduction for Michigan prison inmates set to occur April 14.

Circuit Judge Robert Templin issued the temporary order pending an April 21 full hearing on a lawsuit filed by Oakland County Prosecutor L. Brooks Patterson, who argues the sentence reductions are unconstitutional.

The sentence reductions are required under a 1980 state law which reduces most sentences by 90 days when state prison population exceeds the system's design capacity for 30 consecutive days. That point — 12,874 inmates — was reached March 26.

"THIS PARTICULAR act is glaringly unconstitutional in several areas. It's absurd on its face," Patterson said yesterday in a press conference called on the steps of the old Oakland County Jail, closed since 1972.

"Second, it's illegal on its face," Patterson called the act an intrusion

by the Michigan Legislature and the state Department of Corrections on the governor's powers to commute prison sentences.

He said the law also violates a 1978 voter-approved constitutional amendment requiring all inmates to serve their minimum sentences. Patterson initiated the amendment.

Ironically, the Legislature passed the sentence reduction measure, called the Prison Overcrowding Emergency Powers Act, largely because the amendment caused prison populations to mushroom.

Patterson said the Legislature "cannot require the governor to do anything" and the Department of Corrections "is not the governor. They cannot commute anybody's sentence."

The 90-day sentence reductions authorized by the Corrections Department would occur under the 1980 law when the initial, automatic sentence reduction fails to drop inmate population to 95 percent of rated design capacity.

PATTERSON SAID other prison space is available.

The closed Oakland County jail, the

unused Detroit House of Correction and the Kinross detention center at the closed Upper Peninsula Kitchie Air Force Base could all be re-opened to house inmates and prevent the planned sentence commutations, he contended.

The old Oakland County jail alone could house 150 to 300 inmates in a half-way house setting, suggested Patterson.

He said the prison system-wide sentence reductions affecting all 13,000 Michigan inmates except those sentenced to life is the result of the system's exceeding rated capacity by only 175 inmates.

Patterson said 1,000 inmates would be granted early parole under the law, which stipulates no inmate may be released because of overcrowding unless he has 90 days or less remaining before his original release date.

Re-opening the boarded-up county jail, at least, would be easy, said Patterson.

"Pry the boards off, get in with a mop and find the keys. You're in business," said Patterson, who estimated it would take "under \$5,000" and less than two weeks to bring the old jail into operation.

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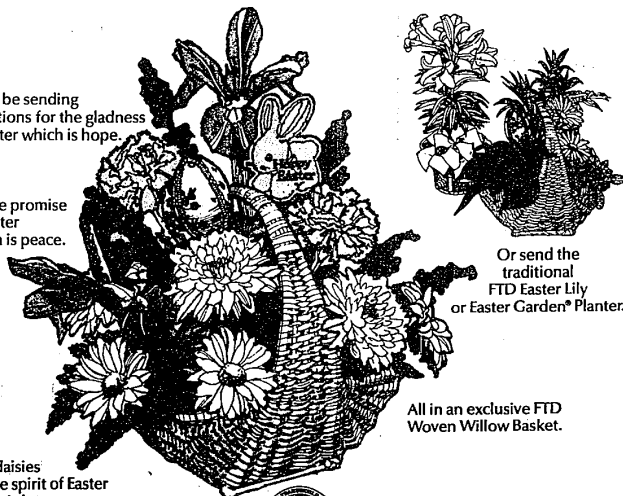
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